IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	**Case Number 8:12MJ380**
Plaintiff,	)	
	)	
vs.	)	**DETENTION ORDER**
	)	
	)	
GABRIEL DELACRUZ GALLEGOS,	)	
	)	
Defendant.	)	

A. **Order For Detention**
After the defendant waived a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

B. **Statement Of Reasons For The Detention**
The Court orders the defendant's detention because it finds:
_X_ By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
_X_ By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.

C. **Finding Of Fact**
The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:
_X_ (1) Nature and circumstances of the offense charged:
  _X_ (a) The crime: Reentry of a Removed Alien is a serious crime and carries a maximum penalty of 2 years imprisonment.
  ____ (b) The offense is a crime of violence.
  ____ (c) The offense involves a narcotic drug.
  ____ (d) The offense involves a large amount of controlled substances, to wit:
  ____
____ (2) The weight of the evidence against the defendant is high.
_X_ (3) The history and characteristics of the defendant including:
  (a) General Factors:
    ____ The defendant appears to have a mental condition which may affect whether the defendant will appear.
    ____ The defendant has no family ties in the area.
    ____ The defendant has no steady employment.
    ____ The defendant has no substantial financial resources.
    ____ The defendant is not a long time resident of the community.
    ____ The defendant does not have any significant community ties.
    ____ Past conduct of the defendant: ________________________
    ____
    ____
    -

____ The defendant has a history relating to drug abuse.
____ The defendant has a history relating to alcohol abuse.
__X__ The defendant has a significant prior criminal record.
__X__ The defendant has a prior record of failure to appear at court proceedings.

(b) At the time of the current arrest, the defendant was on:
____ Probation
____ Parole
____ Supervised Release
____ Release pending trial, sentence, appeal or completion of sentence.

(c) Other Factors:
__X__ The defendant is an illegal alien and is subject to deportation.
____ The defendant is a legal alien and will be subject to deportation if convicted.
__X__ The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal.
____ Other: ____
____
____

__X__ (4) The nature and seriousness of the danger posed by the defendant's release are as follows:
Prior removals in 2004, 2006. Felony drug conviction in 1999.
____
____

D. **Additional Directives**

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 10th day of December, 2012.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge